

**MINUTES**  
**Crested Butte Town Council**  
**Regular Meeting**  
**Crested Butte Town Hall**  
**Monday, November 21, 2005**

Mayor James Schmidt called the meeting to order at 7:01 p.m. Council members present: Margot Levy, Ron Chlipala, Bill Coburn, Alan Bernholtz and Skip Berkshire. Absent: Michael Helland. Also present: Council members-elect Leah Williams and Billy Rankin. Staff present: Town Manager Frank Bell, Town Attorney Laura Magner, Town Clerk Eileen Hughes, Town Planner John Hess, Design Review Coordinator Molly Minneman, Finance Director Lois Rozman and Public Works Director Bob Gillie.

Coburn moved and Levy seconded to approve the minutes of the November 7, 2005 regular council meeting with typo corrected on page 1 and as amended on page 6. Roll call vote taken with all voting yes. **Motion passed unanimously.**

Outgoing Mayor James Schmidt thanked town staff and everyone he has served with during his tenure on the council. Mayor-elect Alan Bernholtz congratulated incoming council members and thanked Schmidt for his continued commitment to the town during his 18 year tenure.

**SWEARING IN OF MAYOR AND NEW COUNCIL MEMBERS**

Town Clerk Hughes swore in new Mayor Alan Bernholtz and newly-elected Council Members Billy Rankin, Skip Berkshire and Leah Williams. Bernholtz moved to the mayor's chair and presided over the meeting.

**1. PUBLIC COMMENTS**

Crested Butte/Mt Crested Butte Chamber of Commerce Director Mark Ewing distributed information to the council regarding the CBiZ project (Crested Butte i-Zone) and asked council to schedule a work session on the topic. Council directed Bell to schedule a work session on the topic.

**2. COUNCIL COMMENTS**

Chlipala:

- Reported Mountain Express is having problems with biodiesel fuel and will not be using it this winter. Problems with the new yurt bus stop in Mt. Crested Butte are being addressed (such as lack of heat and management of the facility).

Williams:

- Reported that she and Town Planner John Hess attended the Association for the Study of Peak Oil Conference in Denver. At the conference they met the manager of the Aspen Global Warming project, who is interested in coming to Crested Butte to discuss public and private incentives for energy conservation. Bell said the topic was more appropriate for a public

forum rather than a council work session and he and Williams will discuss contacting the Office of Energy Efficiency (ORE) about sponsoring the event.

Levy:

- Spoke with Gunnison County Commissioner Paula Swenson regarding the County's interest in setting up special geographic areas with different planning standards.

Bernholtz:

- Reported he met with Crested Butte Mountain Resort (CBMR) and U.S. Forest Service officials. He obtained a handout on the 5- year Mountain Plan (Existing Mountain). Bernholtz asked council to look over the plan, which is available on the U.S. Forest Service website, and consider sending a comment letter to the Forest Service at the December 5, 2005 council meeting.
- He attended a High County Citizens Alliance (HCCA) and U.S. Forest Supervisor Charlie Richmond was the guest speaker.
- He's looking forward to his new position as mayor and has the best interests of the town at heart.

## **2. STAFF REPORTS**

Bell:

- He sent council an e-mail regarding the reopening of the Majestic Theatre.
- He researched contracting with a facilitator for the upcoming council retreat. Bell suggested Myles Rademan from Park City. Council agreed to hire Rademan for a quoted fee of \$1,500 plus expenses.

Hess:

- The proposed Larkspur subdivision (along Brush Creek Road) will go before the Board of County Commissioners on December 6, 2005. Council asked Hess to provide an update on the project at the December 5, 2005 council meeting.
- He is updating the town census of people and dogs. Asked council members to stop by his office and provide information on their neighborhoods by the middle of January.
- He is interested in meeting with council members regarding the Whetstone Business Park and would like to come to the next council meeting with a fact sheet or recommendation on the project. Bell explained that planning issues for the Whetstone project are separate from Revenue Sharing issues. Bernholtz said planning questions on the project should be directed to Hess but revenue sharing concerns should be directed to the Town Attorney. Council directed Bell to write a letter to the proponents of the Whetstone Business Park re-affirming council's objection to the project unless a revenue sharing plan is presented. Council directed Hess to request an extension for comments to the Gunnison County Planning Commission on the Whetstone project.

- Noted that the subcommittee for the draft Crested Butte Area Plan (CBAP) will be meeting with a member of the Board of County Commissioners (BOCC) and staff on December 5, 2005 to discuss differences between the Gunnison County Comprehensive Plan and the draft CBAP.

### 3. **PUBLIC HEARINGS**

A) Special Events Permit-Crested Butte /Mt. Crested Chamber of Commerce and Main Street Business Council –Holiday in the Rockies-December 9, 2005-4 Way Stay Stop; Post Office; 1<sup>st</sup> Street and Elk Avenue.

Chlipala moved and Levy seconded to approve Special Events permit for Holiday in the Rockies. Roll call vote taken with all voting yes. **Motion passed unanimously.**

### 4. **NEW BUSINESS**

A) Resolution No. 13, Series 2005-A Resolution Wherein the Town of Crested Butte Agrees to Act As a Reviewing Entity For The State Income Tax Credit Program For Qualifying Rehabilitation Projects Under Colorado House Bill 90-1033 in Accordance with CRS 39-22-514, As Amended.

Design Review Coordinator Molly Minneman noted memo to council on the topic and explained that one project took advantage of the tax credit program this year.

Levy moved and Rankin seconded to approve Resolution No. 13. Roll call vote taken with all voting yes. **Motion passed unanimously.**

B) Ordinance No. 20, Series 2005- Amending the Town Code to Adopt By Reference the International Fire Code, 2003 Edition.

Magner explained the ordinance adopts by reference the International Fire Code, 2003 Edition with revisions from the Crested Butte Fire Protection District. She explained for consistency the Town is adopting the same revisions as the Fire Protection District.

Levy moved and Chlipala seconded to set Ordinance No. 20 for public hearing on December 5, 2005.

Bernholtz requested agenda item F) be moved up and considered now.

C) Approval of Authorization and Agreement for Cash Management Services with Bank of the West.

Rozman noted the authorization is being changed from Community First Bank to the Bank of the West. Rozman said she is considering putting out a request for proposals (RFP) for the Town's cash management services next year.

D) Election of Mayor Pro-Tem

Council briefly discussed the duties of the Mayor Pro-Tem.

Chlipala moved and Williams seconded to appoint Margot Levy as Mayor Pro-Tem. Roll call vote taken with all voting yes. **Motion passed unanimously.**

E) Appointment of Representative to the Mountain Express Board of Directors and Appointment of Representative to the Rural Transportation Authority (RTA) Board of Directors.

Bell explained the appointments are critical positions on the boards of voter-initiated entities.

Bernholtz volunteered to serve on the Rural Transportation Board (RTA) and Bill Coburn volunteered to serve on the Mountain Express Board.

Levy moved and Coburn seconded the appointment of Alan Bernholtz to serve as the Town of Crested Butte representative on the Board of the Rural Transportation Authority and Bill Coburn to serve as the Town of Crested Butte representative on the Board of the Mountain Express. Roll call vote taken with all voting yes. **Motion passed unanimously.**

F) Resolution No. 15, Series 2005- A Resolution Setting the Times and Dates for Town Council Meetings for Calendar Year 2006.

Council briefly discussed eliminating one regular council meeting in May.

Magner noted the Town Charter states the council will meet two times a month.

Council discussed the proposed council meeting date for the first meeting in July and agreed to change the date to Wednesday, July 5.

Coburn moved and Chlipala seconded to approve Resolution No. 15 as amended changing the first meeting in July to Wednesday July, 5, 2006. Roll call vote taken with all voting yes. **Motion passed unanimously.**

## **5. LEGAL MATTERS TOWN ATTORNEY**

- Magner explained she is reviewing the draft version of the recodified Town Code. She said a revised Town Code will be a significant improvement over the current version.
- Noted the General Council for the town's insurer (Colorado Intergovernmental Risk Sharing Agency or CIRSA) is willing to travel to Crested Butte to present an update to the council about avoiding personal liability and other topics. Several council member indicated they did not want to take up work session time for the topic. Council agreed to schedule a presentation but said it should be at a time other than a work session; and the Mt. Crested Butte Town Council should be invited.
- Magner asked council for clarification on the detached building ordinance. Council confirmed the ordinance should go to the Board of Zoning and Architectural Review for consideration.
- Requested an Executive Session for the purpose of receiving legal advice on specific legal questions.

## **6. OTHER BUSINESS TO COME BEFORE COUNCIL**

Council discussed their upcoming retreat. Council said they envisioned the retreat as an opportunity for council visioning and goal setting and agreed that staff should not attend the retreat but be available for questions. Council indicated that perhaps another retreat with staff could be scheduled in the future. Bell said he would discuss retreat details with the facilitator (Myles Rademan) and present agenda information to the council.

Levy moved and Williams seconded to go into executive session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402 (4) (b). Roll call vote taken with all voting yes. **Motion passed unanimously.**

Council went into executive session and returned at 9:17 p.m. No action was taken.

7. **COUNCIL MEETING SCHEDULING**

No discussion.

Bernholtz adjourned the meeting at 9:17 p.m. by unanimous consent.

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Alan Bernholtz, Mayor

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Eileen Hughes, Town Clerk